

Remarks

This communication is considered fully responsive to the Office Action. Claims 1-16 and 18-30 were examined. Claims 1-16 and 18-30 stand rejected. Claims 1, 3, 7, 9, 11, 16, 18, and 24 are currently amended. Claims 10, 15, 17, and 23 are canceled. New claims 31-34 are currently added. Reexamination and reconsideration of the pending claims are respectfully requested.

Claim Rejections - 35 U.S.C. 112

The Office Action rejected claims 16 and 24-30 under 35 U.S.C. 112, first paragraph.

With regard to claims 24-30, the Office Action states that computer-readable storage is not described in the specification in such a way as to reasonably convey that the inventor had possession of the claimed invention. Applicant respectfully disagrees.

Applicant previously cited to the specification at paragraph [0044] disclosing that the mobile handset may comprise, as an example, random access memory (RAM) 145. Clearly, RAM 145 is a well known computer-readable storage. Of course other types of computer-readable storage are also known in the mobile electronic device arts.

In Response to Arguments, the Examiner states that the statute is clear and requires “exact terms.” This interpretation of the statute is incorrect. The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. MPEP 2163.

With regard to claims 16 and 24, the Office Action states that ‘wherein the one of a firmware update service option and a software update service option number is a number of assignment module parameter specific to updating one or both of firmware and software’ constitutes new matter. Applicant respectfully disagrees. Applicant notes that the specification as originally filed clearly discloses these claim recitations, e.g., at para. [0055]-[0056] and [0064]. Again, Applicant believes the Office Action is confusing the requirements of Section 112 as a literal description requirement. As just noted, however, Section 112 does not require strict identity between the claim recitations and the specification.

Therefore, the rejection is in error and should not be maintained in any subsequent office action.

All Other Rejections

Applicant maintains the previous arguments already presented because Applicant does not believe the cited references teach or suggest the claim recitations. Moreover, Applicant notes that the Examiner states in the Response to Arguments that “applicants fail to show what they meant by ‘parameters specific to updating.’ Although the Examiner goes on to state that he will interpret this recitation “as known in the art and understood by the examiner,” the rejection fails to do so.

Specifically, the term ‘parameters specific to updating’ need to be read in the context of the claims, which claim 1 recites “one or more parameters specific to updating firmware and software in the electronic device.” Clearly claim 1 does not include

(Bridges at para. [0075]) a subscriber database of all active mobile stations capable of receiving a new or updated roaming database with a list of preferred carriers. Nor would claim 1 include (Bridges at para. [0078]) downloading the PSL/IRDB (a preferred system identification list/intelligent roaming database downloading) if any [NAM] parameters change. Nor would claim 1 include (Bridges at para. [0123]) updating a list of mobile stations with new intelligent roaming information.

For at least the foregoing reasons, Applicant believes that the claim rejections are in error and should be withdrawn.

Applicant further believes that the cited references do not teach or suggest the recitations added by the current claim amendments. Therefore, Applicant believes that all of the previous rejections are now moot.

Applicant respectfully requests the Examiner to telephone the below-listed attorney if further amendment is still believed to be necessary in order to put the claims in condition for allowance.

Conclusion

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,

/Mark D. Trenner/

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By: _____

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